


Careful review of the record does show that Plaintiff submitted a “Motion for District Judge Review of Magistrate’s Order Denying Motion To Compel” (Document No. 23-4), which she attached as an exhibit to her addendum to her “Motion For Summary Judgment” (Document No. 22). In fact, the document itself, as well as a notation by the Clerk’s office on June 6, 2012,

indicates that Plaintiff specifically instructed that her “Motion for District Judge Review of Magistrate’s Order Denying Motion To Compel” should be attached to exhibits supporting her addendum. (Document No. 23-4, p.6). As such, this document was never treated or recorded as an independent “motion” by the Court.

Even if Plaintiff’s “Motion for District Judge Review of Magistrate’s Order Denying Motion To Compel” had been properly filed, the undersigned is not persuaded that all further proceedings, including Plaintiff’s deposition, should be stayed pending the district judge’s ruling. The undersigned observes that discovery in this matter is scheduled to be completed by June 30, 2012, and finds no reason Defendant should not be allowed to depose Plaintiff. A party’s failure to appear for its deposition, after proper notice, may result in sanctions including dismissal of the lawsuit. Fed.R.Civ.P. 37(d)(1)(A).

IT IS, THEREFORE, ORDERED that Plaintiff’s “Motion To Quash” (Document No. 25) is **DENIED**.

Signed: June 21, 2012



David C. Keesler
United States Magistrate Judge

